

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 MATTHEW SCHLEY,

13 Defendant.

CASE NO. CR19-0247-JCC

CASE NO. CR22-0166-JCC

14 ORDER

15 This matter comes before the Court on Defendant's motions for temporary release to
16 attend his grandmother's funeral (Dkt. No. 141; *see also United States v. Matthew Schley*, CR22-
17 0166-JCC, Dkt. No. 39). Having thoroughly considered the briefing and record before the Court,
18 and for the reasons set forth below, the Court DENIES the motions.

19 **I. BACKGROUND**

20 Defendant pled guilty in 2020 to one count of felon in possession of a firearm, (Dkt. No.
21 61 at 1). He was sentenced to 30 months of custody, (Dkt. No. 79), and he began his term of
22 supervised release on December 2, 2021 (Dkt. No. 102). While housed at a residential reentry
23 center, he allegedly assaulted another resident, and the Court subsequently issued a warrant for
24 his arrest. (*Id.*) Defendant was arrested on April 16, 2022, and in a search incident to arrest, he
25 was found carrying illicit drugs and other contraband. (CR22-0166, Dkt. No. 1.) At his initial
26 appearing on the supervised release violations, Defendant stipulated to detention. (Dkt. No. 107.)

1 He was subsequently charged with one count of possession with intent to distribute. (CR22-
2 0166, Dkt. No. 17.) He again stipulated to detention. (CR22-0166, Dkt. No. 9.) Trial is currently
3 scheduled for December 4, 2023. (CR22-0166, Dkt. No. 45.)

4 Now, Defendant requests temporary leave from detention to attend a memorial service for
5 his father which will take place on April 15, 2023. (Dkt. No. 141; CR22-0166-JCC, Dkt. No. 39.)

6 **II. DISCUSSION**

7 Temporary release may be granted if the Court determines that release is “necessary for
8 preparation of the person’s defense or for another compelling reason.” 18 U.S.C. § 3142(i). A
9 defendant bears the burden of establishing circumstances warranting temporary release. *United*
10 *States v. Terrone*, 454 F. Supp. 3d 1009, 1018 (D. Nev. 2020). The original grounds for detention
11 remain a factor in the court’s analysis. *United States v. Rhule*, 2021 WL 63250, slip. op. at 4
12 (W.D. Wash. 2021). And, in any case, the relief authorized by § 3142(i) is to be used
13 “sparingly.” *United States v. McKnight*, 2020 WL 1872412, slip op. at 2–3 (W.D. Wash. 2020).

14 The Court recognizes the challenging circumstances presented by the death of
15 Defendant’s father, and his understandable desire to be present with his family at the family
16 gathering. However, the Court must continue to consider the factors that warranted Defendant’s
17 detention. (*See* Dkt. Nos. 107, 109.) None of those circumstances have changed.

18 Defense counsel asserts that “[t]he memorial service for a father is the type of situation
19 that is best described as a “compelling reason” for temporary release” (Dkt. No. 141 at 3
20 (quoting 18 U.S.C. § 3142(i))). But Defendant has repeatedly failed to comply with his
21 conditions of supervised release. (CR22-0166-JCC, Dkt. 9 at 2.) He has failed to appear when
22 required, violated the terms of supervised release, and continued to demonstrate an unwillingness
23 to abide by lawful behavior. (*Id.*) Therefore, the Court is not reassured. While Defendant’s
24 brother has offered to support his temporary release as a third-party designated custodian, (Dkt.
25 No. 141 at 3), this measure cannot sufficiently mitigate the risks presented by Defendant in terms
26 of both danger to the community and risk of nonappearance.

1 **III. CONCLUSION**

2 For the foregoing reasons, Defendant's motions for temporary release from custody (Dkt.
3 No. 141; CR22-0166-JCC, Dkt. No. 39) are DENIED.

4 DATED this 11th day of April 2023.

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8 John C. Coughenour
9 UNITED STATES DISTRICT JUDGE
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